IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUNE GARRETT,

    Plaintiff,

        v.

PENNYMAC LOAN SERVICES, *et al.*,

    Defendants.

NO. 3:18-CV-0718

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

<u>ORDER</u>

NOW, this 26th day of September, 2019, upon review of the Report and Recommendation of Magistrate Judge Joseph F. Saporito, Jr. (Doc. 82) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

(1)   The Report and Recommendation (Doc. 82) is **ADOPTED as modified** herein.

(2)   The Motions to Dismiss filed by Sheriff Martin (Doc. 20), Chase Defendants (Doc. 49), Duane Morris Defendants (Doc. 52), Delaware Defendants (Doc. 58), Grenen & Birsic Defendants (Doc. 65), and Federal Agency Defendants (Doc. 70) are **GRANTED in part**.

(3)   The Motion to Dismiss and for Sanctions filed by Pennymac Defendants (Doc. 51) is **GRANTED in part and DENIED in part**.

(4)   All claims against Federal Agency Defendants and Delaware Defendants are **DISMISSED without prejudice** for lack of subject matter jurisdictions. *See New Jersey Physicians, Inc. v. President of U.S.*, 653 F.3d 234, 241 n.8 (3d Cir. 2011) ("District Court's dismissal for lack of subject matter jurisdiction [is] by

definition without prejudice."); *Figueroa v. Buccaneer Hotel Inc.*, 188 F.3d 172, 182 (3d Cir. 1999) ("a dismissal for lack of subject matter jurisdiction is not an adjudication on the merits and thus should be ordered without prejudice.").

(5)   All federal law claims against Sheriff Martin, Chase Defendants, Pennymac Defendants, Duane Morris Defendants, Grenen & Birsic Defendants, and Whitney K. Cook are **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted.

(6)   Plaintiff's supplemental state law claims are **DISMISSED without prejudice**.

(7)   Pennymac Defendants' request for sanctions is **DENIED without prejudice**.

(8)   The Clerk of Court is directed to mark the case as **CLOSED**.

   /s/ A. Richard Caputo
   A. Richard Caputo
   United States District Judge